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EXAMINER

CHAU, PETER P

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/577,731	Applicant(s) VINCENT ET AL.	
	Examiner PETER CHAU	Art Unit 2476	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 7-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 7-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Receipt is acknowledged of amendment filed on 7/8/2009. Claim(s) 7 and 8 have not been amended. Claim(s) 1, 2 and 9-13 were amended. Claim(s) 3-6 have been cancelled. Claim(s) 14 are newly added.

Response to Arguments

2. Applicant's arguments with respect to claims 1-2 and 7-13 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

3. Claim(s) 1 is/are objected to because of the following informalities: It is grammatically incorrect to have "...server adapted to provide a point-to-point content transmission service transmitting a multimedia...". Appropriate correction is required.

4. Claim 10 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 10 used to be dependent on claim 4, which was a reception method, but now depend on claim 1, which is a method for transmission and claim 10 still recites the reception method.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim(s) 1, 7, 10-14 is/are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 1 recites the limitation "said message" on the second to last line of claim 1. There is insufficient antecedent basis for this limitation in the claim. Examiner will interpret it to be "said content" hereinafter for examination.

8. Claim 7 recites the limitation "the point-to-point link notification" on line 2. There is insufficient antecedent basis for this limitation in the claim. Examiner will interpret it to be "the multimedia messaging services (MMS)-standardized point-to-point link notification" hereinafter for examination.

9. Claim 10 recites the limitation "said mobile terminal" on lines 2 and 6. There is insufficient antecedent basis for this limitation in the claim. Claim 10 also recites the limitation "said terminal" on line 5. There is insufficient antecedent basis for this limitation in the claim. Claim 10 also recites the limitation "said dedicated point-to-point transmission channel on line 7. There is insufficient antecedent basis for this limitation in the claim.

10. Regarding claim 10, it is unclear on line 5, which terminal applicant is referring to because claim 1 states terminals and claim 10's states "said terminal". Examiner will interpret it to be "said terminals" hereinafter for examination.

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11. Claim 11 recites the limitation "said content" on lines 9 and 14. There is insufficient antecedent basis for this limitation in the claim. Examiner suggest changing it to "said multimedia messaging services (MMS) content".

12. Claim 12 recites the limitation "said content" on line 5. There is insufficient antecedent basis for this limitation in the claim. Examiner suggest changing it to "said multimedia messaging services (MMS) content".

13. Claim 13 recites the limitation "said content" on lines 4-6. There is insufficient antecedent basis for this limitation in the claim. Examiner suggest changing it to "said multimedia messaging services (MMS) content".

14. Claim 14 recites the limitation "the mobile terminals" on line 4. There is insufficient antecedent basis for this limitation in the claim. Claim 1 states **terminals**. Claim 14 also recites the limitation "the M-Notification.ind message" on line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

17. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

18. Claim(s) 1, 7, 9 and 14 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 03/045064 to Lipsanen et al (hereinafter Lipsanen) and in further view of US PGPub 2002/0078228 to Kuisma et al (hereinafter Kuisma) and in further view of US PGPub 2004/0029596 to Kim et al (hereinafter Kim) and in further view of US PGPub 2004/0171383 to Fingerhut et al (hereinafter Fingerhut).

As per claim 1, Lipsanen teaches a method for a transmission system to transmit multimedia contents to a plurality of mobile terminals (abstract, discloses a transmission system to transmit voice, packet data and digital broadcast/multicast services) comprising:

a first step of a server (fig. 1 box 120, discloses a Telecom/Portal server) **adapted to provide a point-to-point content transmission service** (pg. 9 lines 27-29, discloses Telecom server transmitting content through UMTS/GPRS network to a terminal) **transmitting a point-to-point link notification** (pg. 8 lines 12-21, discloses telecom server transmitting service parameters to a terminal and the service parameters include a time in which a transmission will start (i.e. a notification)) **over a radiocommunication network** (fig. 1 show a UMTS/GPRS network) **including an identifier specific to a content over a dedicated point-to-point transmission channel to all terminals registered with said server as interested in said content** (fig. 1 shows a telecom server 120; pg. 1 lines 5-7, discloses multiple terminals to receive services; abstract, discloses a transmission system to transmit voice, packet data and digital broadcast/multicast services. pg. 8 lines 5-14, discloses user send "get n" message to server 120 and then server 120 forwards service parameters such as program identifier to the terminal via the UMTS/GPRS network. Examiner correspond "get n" and any one of voice, packet data and digital broadcast/multicast services to applicant's terminal registered with server as interested in said content and content, respectively);

a server adapted to provide a broadcast content transmission service (fig. 1 box 130, discloses a broadcast server; pg. 7 lines 28-29, discloses broadcast programs transmitted from broadcast network 140)

and a third step of said server broadcasting (fig. 1 box 130, discloses a broadcast server) **a message over a broadcast channel** (pg. 4 lines 4-5, discloses

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broadcast server 130 coupled to broadcast network 140; pg. 7 lines 28-29, discloses broadcast programs transmitted from broadcast network 140).

Although Lipsanen teaches **a server, a point-to-point content transmission and a point-to-point link notification**, Lipsanen is silent on **a multimedia messaging services center (MMSC) server adapted to provide a point-to-point content transmission service transmitting a multimedia messaging services (MMS)-standardized point-to-point link notification**.

However, Kuisma teaches a MMSC transmitting a M-NOTIFIC-IND line 12 to a terminal (fig. 1) and MMSC transmitting a multimedia message to a terminal (paragraph [0042]).

Lipsanen teaches a server...adapted to provide a point-to-point content transmission service and transmitting a notification over a radio communication network and the multimedia messaging services (MMS) standard is a well known standard for having a MMSC server adapted to provide a point-to-point content transmission service and a multimedia messaging services (MMS)-standardization of a point-to-point link notification. Furthermore, it is well known in the art that applying a well known standard, or protocol, to a system provides the system with significantly improved industrial applicability. Thus, at the time of the invention it would have been obvious to one of ordinary skill in the art to apply the MMS standard to the system of Lipsanen, since it is well known in the art that applying a well known standard, or protocol, to a system provides the system with significantly improved industrial applicability.

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Although the combination teaches **a server adapted to provide a broadcast content transmission service** and **said server broadcasting said message**, the combination is silent on **a multimedia broadcast multicast system (MBMS) broadcast multicast service center (BM-SC) server** and **said BM-SC server broadcasting**.

However, Kim teaches a MBMS BM-SC broadcasting (paragraph [0025]).

Lipsanen teaches a server adapted to provide a broadcast content transmission service and said server broadcasting and the multimedia broadcast multicast system (MBMS) standard is a well known standard for having a MBMS BM-SC server broadcasting. Furthermore, it is well known in the art that applying a well known standard, or protocol, to a system provides the system with significantly improved industrial applicability. Thus, at the time of the invention it would have been obvious to one of ordinary skill in the art to apply the MBMS standard to the system of Lipsanen and Kuisma, since it is well known in the art that applying a well known standard, or protocol, to a system provides the system with significantly improved industrial applicability.

Although the combination teaches **said MMSC server, a multimedia broadcast multicast system (MBMS) broadcast multicast service center (BM-SC) server adapted to provide a broadcast content transmission service, said content in its entirety** and **said identifier**, the combination is silent on **a second step of said MMSC server transmitting Broadcast-request to a multimedia broadcast multicast system (MBMS) broadcast multicast service center (BM-SC) server adapted to**

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provide a broadcast content transmission service, said broadcast request including said content in its entirety and said identifier.

However, Fingerhut teaches a first server/"message server" creates a broadcast request/"fleet broadcast request", which includes the content in its entirety/"payload message" with the identifier/"message ID" and transmits the broadcast request to second server/"activation gateway" for broadcast transmission of the payload and ID ([0129-0131]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination to have a second step of said MMSC server transmitting Broadcast-request to a multimedia broadcast multicast system (MBMS) broadcast multicast service center (BM-SC) server adapted to provide a broadcast content transmission service, said broadcast request including said content in its entirety and said identifier, as suggested by Fingerhut. This combination would benefit the system by allowing for the efficient delivery of information in a broadcast fashion (Fingerhut [0125]).

As per claim 7, the combination teaches the transmission method according to claim 1, wherein the point-to-point link notification is M-Notification.ind (Kuisma fig. 1 shows a M-NOTIFIC-IND).

Examiner provides the same rationale for the combination as stated in claim 1.

As per claim 9, the combination teaches **the transmission method according to claim 1, further comprising said MMSC server (Kuisma fig. 1) transmitting a decryption key to said terminals for use by the terminals in decrypting said content** (Lipsanen, pg. 11 lines 11-12, discloses the broadcast keys are sent to the users which allow the terminals to decrypt the digital packets).

Examiner provides the same rationale for the combination as stated in claim 1.

As per claim 14, the combination teaches **the transmission method according to claim 1 further comprising:**

the MMSC server (Kuisma fig. 1) receiving an M-NotifyResp.ind acknowledgment message (Kuisma paragraph [0038], discloses acknowledging a notification message, which is sent by a MMSC, received with a m-NotifyResp-req. Examiner correspond m-NotifyResp-req to applicant's M-NotifyResp.ind) **from the mobile terminals (Lipsanen pg. 1 lines 5-7) receiving the M-Notification.ind message** (Kuisma fig. 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination to include the MMSC server receiving an M-NotifyResp.ind acknowledgement message from the mobile terminals receiving the M-Notification.ind message, as suggested by Kuisma. This combination would benefit the system by transferring multimedia message in a multimedia message in a MMS (Kuisma paragraph [0001]).

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19. Claim(s) 11 and 12 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 03/045064 to Lipsanen et al (hereinafter Lipsanen) and in further view of US PGPub 2002/0078228 to Kuisma et al (hereinafter Kuisma) and in further view of US PGPub 2004/0029596 to Kim et al (hereinafter Kim) and in further view of US PGPub 2004/0171383 to Fingerhut et al (hereinafter Fingerhut) and in further view of US PGPub 2004/0198279 to Anttila et al (hereinafter Anttila).

As per claim 11, Lipsanen teaches a method of reception of multimedia content by a mobile terminal adapted to communicate via a radiocommunication network with a point-to-point content transmission multimedia messaging services center (MMSC) server (abstract, discloses a transmission system to transmit voice, packet data and digital broadcast/multicast services; fig. 1 box 120, discloses a Telecom/Portal server; pg. 9 lines 27-29, discloses Telecom server transmitting content through UMTS/GPRS network to a terminal), **said method comprising:**

a mobile terminal (abstract, discloses a mobile terminal) **receiving an identifier specific to a content from said server in an point-to-point link notification over a dedicated point-to-point radiocommunication network transmission channel** (abstract, discloses a transmission system to transmit voice, packet data and digital broadcast/multicast services; pg. 8 lines 5-14, discloses user send "get n" message to server 120 and then server 120 forwards service parameters such as program identifier to the terminal via the UMTS/GPRS network; pg. 8 lines 12-21, discloses telecom server transmitting service parameters to a terminal and the service parameters include a time in which a transmission will start (i.e. a notification). Examiner correspond any

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one of voice, packet data and digital broadcast/multicast services and forwards service parameters to applicant's content and notification, respectively);

a server adapted to provide a broadcast content transmission service (fig. 1 box 130, discloses a broadcast server; pg. 7 lines 28-29, discloses broadcast programs transmitted from broadcast network 140)

and said mobile terminal receiving a message from said server over a broadcast channel including said content (abstract, discloses the terminal receive the broadcast service transmitted by the broadcast network 140; pg. 4 lines 4-5, discloses broadcast server 130 coupled to broadcast network 140; pg. 7 lines 28-29, discloses broadcast programs transmitted from broadcast network 140).

Although Lipsanen teaches **a content, a server and a point-to-point link notification**, Lipsanen is silent on **a multimedia messaging services (MMS) content, a multimedia messaging services center (MMSC) server and an MMS-standardized point-to-point link notification**.

However, Kuisma teaches a MMSC transmitting a M-NOTIFIC-IND line 12 to a terminal (fig. 1) and MMSC transmitting a multimedia message to a terminal (paragraph [0042]).

Lipsanen teaches a content, a server and a point-to-point link notification and the multimedia messaging services (MMS) standard is a well known standard for having MMS content, a MMSC server and a multimedia messaging services (MMS)-standardization of a point-to-point link notification. Furthermore, it is well known in the art that applying a well known standard, or protocol, to a system provides the system

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with significantly improved industrial applicability. Thus, at the time of the invention it would have been obvious to one of ordinary skill in the art to apply the MMS standard to the system of Lipsanen, since it is well known in the art that applying a well known standard, or protocol, to a system provides the system with significantly improved industrial applicability.

Although the combination teaches **a server adapted to provide a broadcast content transmission service** and ...**said server over a broadcast channel**, the combination is silent on **a multimedia broadcast multicast system (MBMS) broadcast multicast service center (BM-SC) server** and ...**said BM-SC server over a broadcast channel**.

However, Kim teaches a MBMS BM-SC broadcasting (paragraph [0025]).

Lipsanen teaches a server adapted to provide a broadcast content transmission service and ...**said server over a broadcast channel** and the multimedia broadcast multicast system (MBMS) standard is a well known standard for having a MBMS BM-SC server broadcasting. Furthermore, it is well known in the art that applying a well known standard, or protocol, to a system provides the system with significantly improved industrial applicability. Thus, at the time of the invention it would have been obvious to one of ordinary skill in the art to apply the MBMS standard to the system of Lipsanen and Kuisma, since it is well known in the art that applying a well known standard, or protocol, to a system provides the system with significantly improved industrial applicability.

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Although the combination teaches **said MMSC server, said content in its entirety, said identifier, a multimedia broadcast multicast system (MBMS) broadcast multicast service center (BM-SC) server adapted to provide a broadcast content transmission service and said mobile terminal receiving a message from said BM-SC server over a broadcast channel including said content**, the combination is silent on **said MMSC server transmitting said content in its entirety and said identifier in a broadcast request to a multimedia broadcast multicast system (MBMS) broadcast multicast service center (BM-SC) server and said mobile terminal receiving a message from said BM-SC server over a broadcast channel including said content and said identifier.**

However, Fingerhut teaches a first server/"message server" creates a broadcast request/"fleet broadcast request", which includes the content in its entirety/"payload message" with the identifier/"message ID" and transmits the broadcast request to second server/"activation gateway" for broadcast transmission of the payload and ID ([0129-0131]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination to have said MMSC server transmitting said content in its entirety and said identifier in a broadcast request to a multimedia broadcast multicast system (MBMS) broadcast multicast service center (BM-SC) server and said mobile terminal receiving a message from said BM-SC server over a broadcast channel including said content and said identifier, as suggested by Fingerhut. This

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combination would benefit the system by allowing for the efficient delivery of information in a broadcast fashion (Fingerhut [0125]).

Although the combination teaches **a broadcast request**, the combination is silent on **an MMS broadcast request**.

However, Anttila teaches a request to broadcast MMS messages using a broadcast server (paragraphs [0041-0042]).

Fingerhut teaches a broadcast request and the multimedia messaging services (MMS) standard is a well known standard for having a MMS broadcast request.

Furthermore, it is well known in the art that applying a well known standard, or protocol, to a system provides the system with significantly improved industrial applicability.

Thus, at the time of the invention it would have been obvious to one of ordinary skill in the art to apply the MMS standard to the system of Lipsanen and Kuisma and Kim and Fingerhut, since it is well known in the art that applying a well known standard, or protocol, to a system provides the system with significantly improved industrial applicability.

As per claim 12, the combination teaches **the reception method according to claim 11 further comprising:**

said mobile terminal receiving a decryption key over the dedicated point-to-point transmission channel (Lipsanen pg. 11, lines 11-12, discloses the broadcast keys are sent to the user which allow the terminal to decrypt the digital packets);

and said mobile terminal utilizing said decryption key to decrypt said content (Lipsanen pg. 11, lines 11-12, discloses the broadcast keys are sent to the user which allow the terminal to decrypt the digital packets and reasoning above).

20. Claims 2 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lipsanen and Kuisma and Kim and Fingerhut and in further view of U.S. PGPub 2003/0186704 to Tamura et al (hereinafter Tamura).

As per claim 2, the combination teaches **the transmission method according to claim 1**.

Although the combination teaches **in said first step said identifier sent to said terminals** (Lipsanen fig. 1 and pg. 8 lines 5-14; pg. 1 lines 5-7), **reception of said content by said terminals** (Lipsanen abstract, discloses the terminal receive the broadcast service transmitted by the broadcast network 140) and **said terminals download said content from said MMSC server via said dedicated point-to-point transmission channel** (Lipsanen pg. 9 lines 27-29; pg. 1 lines 5-7 and pg. 8 lines 5-14 and Kuisma fig. 1), the combination is silent on **wherein, in said first step, said identifier sent to said terminals is accompanied by a value corresponding to a waiting time for reception of said content by said terminals and if said waiting time passes without said terminals receiving said content, said terminals requesting to download said content from said MMSC server via said dedicated point-to-point transmission channel**.

However, Tamura teaches first server/"content server" sends the waiting time/"maximum permissible value of the waiting time" to the mobile terminals ([0138]) and a terminal operating in standby for a certain waiting time and when the terminal hasn't received notification from the base station within the waiting time, the terminal makes a request to the first server/"content server" for download of content ([0026]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination to have wherein, in said first step, said identifier sent to said terminals is accompanied by a value corresponding to a waiting time for reception of said content by said terminals and if said waiting time passes without said terminals receiving said content, said terminals requesting to download said content from said MMSC server via said dedicated point-to-point transmission channel, as suggested by Tamura. This combination would benefit the system by receiving and obtaining desired contents at desired time (Tamura [0007]).

As per claim 10, the combination teaches **the reception method according to claim 1**.

Although the combination teaches **said mobile terminal receiving in said first step said identifier** (Lipsanen fig. 1 and pg. 8 lines 5-14), **reception of said content** (Lipsanen abstract, discloses the terminal receive the broadcast service transmitted by the broadcast network 140 and reasoning above) and **said mobile terminal download said content from said MMSC server via said dedicated point-to-point transmission channel** (Lipsanen pg. 9 lines 27-29 and pg. 8 lines 5-14 and Kuisma fig.

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1), the combination is silent on **said mobile terminal receiving in said first step a value accompanying said identifier corresponding to a waiting time for reception of said content, wherein if said waiting time passes without said terminal receiving said content, said mobile terminal requesting to download said content from said MMSC server via said dedicated point-to-point transmission channel.**

However, Tamura teaches first server/"content server" sends the waiting time/"maximum permissible value of the waiting time" to the mobile terminals ([0138]) and a terminal operating in standby for a certain waiting time and when the terminal hasn't received notification from the base station within the waiting time, the terminal makes a request to the first server/"content server" for download of content ([0026]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination to have said mobile terminal receiving in said first step a value accompanying said identifier corresponding to a waiting time for reception of said content, wherein if said waiting time passes without said terminal receiving said content, said mobile terminal requesting to download said content from said MMSC server via said dedicated point-to-point transmission channel, as suggested by Tamura. This combination would benefit the system by receiving and obtaining desired contents at desired time (Tamura [0007]).

21. Claim(s) 13 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Lipsanen and Kuisma and Kim and Fingerhut and Anttila and in further view of U.S. PGPub 2003/0186704 to Tamura et al (hereinafter Tamura).

As per claim 13, the combination teaches **the reception method according to claim 11**.

Although the combination teaches **said mobile terminal receiving said identifier** (Lipsanen fig. 1 and pg. 8 lines 5-14), **said mobile terminal receiving said content** (Lipsanen abstract, discloses the terminal receive the broadcast service transmitted by the broadcast network 140 and reasoning above) and **said mobile terminal download said content from said MMSC server via said dedicated point-to-point transmission channel** (Lipsanen pg. 9 lines 27-29 and pg. 8 lines 5-14 and Kuisma fig. 1), the combination is silent on **said mobile terminal receiving a value accompanying said identifier corresponding to a waiting time for reception of said content, wherein if said waiting time passes without said mobile terminal receiving said content, said mobile terminal requesting to download said content from said MMSC server via said dedicated point-to-point transmission channel**.

However, Tamura teaches first server/"content server" sends the waiting time/"maximum permissible value of the waiting time" to the mobile terminals ([0138]) and a terminal operating in standby for a certain waiting time and when the terminal hasn't received notification from the base station within the waiting time, the terminal makes a request to the first server/"content server" for download of content ([0026]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination to have said mobile terminal receiving a value accompanying said identifier corresponding to a waiting time for reception of said content, wherein if said waiting time passes without said mobile terminal receiving said

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content, said mobile terminal requesting to download said content from said MMSC server via said dedicated point-to-point transmission channel, as suggested by Tamura. This combination would benefit the system by receiving and obtaining desired contents at desired time (Tamura [0007]).

22. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lipsanen and Kuisma and Kim and Fingerhut and in further view of U.S. PGPub 2005/0015797 to Noblecourt et al (hereinafter Noblecourt).

As per claim 8, the combination teaches the transmission method according to claim 1.

Although the combination teaches **identifier** (Lipsanen pg. 8 lines 5-14), the combination is silent on **wherein said identifier includes uniform resource identifier information serving as a unique identifier.**

However, Noblecourt teaches a uniform resource identifier ([0030]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination to have wherein said identifier includes uniform resource identifier information serving as a unique identifier, as suggested by Noblecourt. This combination would benefit the system by allowing each element or piece of data to be uniquely referenced (Noblecourt [0030]).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PETER CHAU whose telephone number is (571)270-7152. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. C./

Examiner, Art Unit 2476

/Ayaz R. Sheikh/

Supervisory Patent Examiner, Art Unit 2476